

complaint

Mr S complains that NewDay Ltd won't issue him with a contactless card.

background

Mr S said that he'd asked NewDay for a contactless card, but it said that it only gives those to some customers, and it wouldn't give one to him. He said that was discriminatory. And he said that he also wanted to complain about how NewDay's staff had spoken to him. He said that the tone and manner in which he was spoken to was unprofessional.

When Mr S rang NewDay, it told him that a random selection of customers had been given a contactless card, and he couldn't request it. If he didn't want to keep his existing card, which wasn't contactless, then it would cancel his account for him.

Our investigator didn't uphold this complaint. She said that she didn't think that NewDay had discriminated against Mr S. It had explained to us that it just had concerns about sending a contactless card to his address. It had offered to do so anyway, which our investigator thought was a fair offer to settle this complaint.

Mr S didn't agree with that. He didn't believe that our investigator had listened to the call, or investigated his complaint. He wanted his complaint to be considered by an ombudsman, so it was passed to me for a final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I've reached the same conclusion on this complaint as our investigator, and for broadly the same reasons.

I've listened to the call that Mr S made to NewDay. I can hear that Mr S wanted a contactless card, and was told one couldn't be issued to him. He asked to speak to a manager, and was initially told that the decision wouldn't change, before he was passed through to a manager. I don't think that it's unprofessional for a call handler to try to resolve a problem themselves before they pass someone through to a manager. And I don't think that NewDay was rude to Mr S.

NewDay has also explained why it didn't initially send Mr S a contactless card. It only sends those to particular postcodes. I know that Mr S thinks that this is discrimination. Our investigator explained that the Equality Act says that people with protected characteristics mustn't be unlawfully discriminated against, and she explained that those characteristics include age, gender, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation. And, like our investigator, I don't think that NewDay has made this decision directly on the basis of any of the protected characteristics that the Equality Act covers.

I also note that NewDay has now offered to issue a contactless card to Mr S. I think that's a fair resolution to this complaint. So that's what I'll award in this case. Mr S can decide whether he wishes to accept that.

my final decision

My final decision is that NewDay Ltd must issue Mr S with a contactless credit card, if his credit card account remains open and he accepts this decision.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 14 December 2018.

Esther Absalom-Gough
ombudsman